

EXECUTIVE ORDER

04-05

PROCLAMATION OF UTILITY EMERGENCY

WHEREAS, pursuant to R.I. Gen. Laws §43-3-28, the Governor is authorized to determine the existence of an emergency brought about by the disruption and or interruption of communications and that rights and obligations are adversely affected thereby; and

WHEREAS, over the past several days continued rainy conditions have caused Rhode Island to experience numerous communications service interruptions, and restoration of communications service has not been completed fully; and

WHEREAS, Verizon, a leading provider of land line and wireless communications has notified all New England States of an increased number of customer trouble reports, and notified Rhode Island of its practice to utilize every available technician within New England to minimize service outage time frames; and

WHEREAS, Verizon, has requested an exemption from federal law limiting the number of consecutive hours Verizon commercial truck drivers/technicians can operate; and

WHEREAS, federal law also permits exemptions from these limitations in the event of an emergency proclamation by the Governor; and

WHEREAS, the conditions giving rise to this emergency continue unabated.

NOW, THEREFORE, I, DONALD L. CARCIERI, by the virtue of the power vested in me as Governor of the State of Rhode Island and Providence Plantations and pursuant to 49 CFR 390.23, do hereby order as follows:

1. A proclamation of emergency is hereby ordered.
2. As a result of the proclamation, Verizon commercial truck drivers/technicians are afforded relief from the provisions of 49 CFR 395.3 (b) of the Federal Motor Carrier Safety Regulations for interstate motor carriers while providing communication

services to customers in Rhode Island during the pendency of this proclamation of emergency.

3. Nothing contained in this proclamation shall be construed as seeking an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR 383), the Commercial Driver's License requirements (49 CFR 387), or any other portion of federal regulations not specifically identified.
4. This proclamation shall not apply to motor carriers that have an Out of Service Order in effect.
5. Upon termination of this emergency proclamation, federal regulation shall again become effective. As such, at that time, no Verizon commercial truck driver/technician may operate until the driver has met the requirements of 49 CFR 395.3 (a).
6. All persons operating under this proclamation should maintain a copy of it in their possession.

This Executive Order shall take effect immediately and shall remain in effect until this Order is terminated, but in no event later than five (5) days from the date of this Order.

So Ordered:

Donald L. Carcieri

Dated: _____